

E-Filed 8/12/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIE WEAVER,
Plaintiff,

v.

HARMEN,
Defendant.

No. C 14-3196 RS (PR)

ORDER OF DISMISSAL;

**ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS**

Plaintiff's allegations that defendant is showing racist films in which the "n word" is used fails to state a claim for relief. Neither disrespectful, insulting, and vulgar language, nor verbal harassment, are actionable under section 1983. *See Freeman v. Arpaio*, 125 F.3d 732, 738 (9th Cir. 1997); see also *Gaut v. Sunn*, 810 F.2d 923, 925 (9th Cir. 1987). The claim is also dismissed as duplicative because it was raised and rejected in another action. *See Weaver v. Lewis*, 14-cv-00342-RS.

Because the claim is duplicative, and therefore frivolous, plaintiff's application for leave to proceed *in forma pauperis* (Docket No. 3) is DENIED. *Tripathi v. First Nat. Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987). The Clerk shall terminate Docket No. 3, enter judgment in favor of defendant, and close the file.

IT IS SO ORDERED.

DATED: August 12, 2014


RICHARD SEEBORG
United States District Judge

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